

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-11818-RWZ
)	
TERRANCE J. JOYCE,)	
Defendant.)	
_____)	

THE PARTIES' JOINT STATEMENT¹

I. SCHEDULING ORDER

In accordance with Fed. R. Civ. P. 16(b) and Local Rule 16.1, the plaintiff in the above-captioned matter hereby proposes the following scheduling order:

1. All factual discovery, including all depositions of fact witnesses, shall be completed by March 31, 2006.
 - (a) This matter is exempt from the requirement for initial disclosures pursuant to Fed. R. Civ. P. 26(a)(E)(vi) as this is an action by the United States to collect on a student loan guaranteed by the United States.
 - (b) All discovery motions under Fed. R. Civ. P. 37 pertaining to factual discovery shall be filed on or before April 28, 2006.

¹ Despite repeated telephone calls to the last known telephone number of the defendant [(978) 562-2880], the plaintiff was unable to contact the defendant. The plaintiff left a message for the plaintiff to call him with the person who answered the telephone but did not hear back from the defendant. During another attempt to reach the defendant, the person who answered the telephone hung up on the plaintiff after the plaintiff identified himself. The plaintiff called "information" for a telephone number of the defendant listed at the address on the complaint to which the defendant admitted to temporarily residing. The telephone number provided by "information" [(978) 562-9879] was disconnected with no further information provided.

2. Expert discovery: the plaintiff does not anticipate calling any expert witnesses at this time.
3. All dispositive motions shall be filed on or before May 31, 2006.
4. The final pretrial conference shall be scheduled by order of the Court.
5. The trial shall be scheduled by order of the Court.

II. TRIAL BEFORE A MAGISTRATE

The plaintiff consents to a trial before a Magistrate Judge.

III. CERTIFICATIONS

Counsel for the United States of America has conferred with a representative from the Department of Health and Human Services as to establishing a budget or cost for the litigation and with respect to ADR programs. The United States certificate shall be filed on or before December 29, 2005.

Respectfully submitted,

PLAINTIFF,

DEFENDANT,

UNITED STATES OF AMERICA

TERRANCE J. JOYCE

By its attorney,

Pro se,

/S/ Christopher R. Donato

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